

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-091398

03/23/2012

HONORABLE TIMOTHY J. RYAN

CLERK OF THE COURT

I. Ostrander

Deputy

IN RE THE MATTER OF  
TYLER F PANICO

J VINCENT GONZALEZ

AND

TIFFANY GONZALEZ

ANGELA M WILSON-GOODMAN

AG-CHILD SUPPORT-EAST VALLEY  
OFFICE

IV-D COMMISSIONER-SE

OFFICE OF PUBLIC DEFENSE  
SERVICES-CCC

TASC - MESA

**EVIDENTIARY HEARING  
COURT ADVISOR APPOINTED  
BOTH PARTIES REFERRED TO TASC  
REVIEW HEARING SET**

Courtroom 402 SEF

Prior to commencement of this proceeding, Petitioner's exhibits 1 through 8 and Respondent's exhibits 9 through 23 are marked for identification.

9:03 a.m. This is the time set for Evidentiary Hearing regarding *Petitioner's Emergency Motion for Modification of Custody and Parenting Time* filed on January 26, 2012, and Respondent's response thereto and *Motion for Contempt* filed on March 5, 2012. Petitioner/Father is present and is represented by counsel, J. Vincent Gonzalez. Respondent/Mother is present and is represented by counsel, Angela M. Wilson-Goodman.

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A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

**LET THE RECORD REFLECT** the Court is in receipt of Respondent's *Motion to Vacate Order Regarding Current and Past Child Support Due to DCSE Not Being Included in the Trial* filed on December 22, 2011.

Discussion is held.

**IT IS ORDERED** granting Respondent's *Motion to Vacate Order Regarding Current and Past Child Support Due to DCSE Not Being Included in the Trial*, without prejudice to either party presenting argument regarding the appropriate child support calculation and child support arrearage.

Discussion is held.

**IT IS ORDERED** referring this matter to the Title IV-D Commissioner to address enforcement of any DES-related issues. The Court advises that this may be a Pinal County Attorney matter rather than an Attorney General matter.

**LET THE RECORD REFLECT** the Court is in receipt of Respondent's *Motion to Dismiss Petitioner's Emergency Motion for Modification of Custody and Parenting Time and Motion to Vacate Evidentiary Hearing Currently Scheduled for March 23, 2012 at 9:00 a.m.* filed on February 23, 2012.

The motion is argued.

**IT IS ORDERED** denying at this time, without prejudice, Respondent's *Motion to Dismiss Petitioner's Emergency Motion for Modification of Custody and Parenting Time and Motion to Vacate Evidentiary Hearing Currently Scheduled for March 23, 2012 at 9:00 a.m.*

Tyler F. Panico and Tiffany Gonzalez are sworn.

Counsel for Respondent invokes the Rule of Exclusion of Witnesses (Arizona Rule of Evidence 615). The witnesses are directed to step outside the courtroom until such time as they are called upon to testify.

Petitioner's case:

Tyler F. Panico testifies.

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Petitioner's exhibit 8 is received in evidence.

Petitioner's exhibit 3 is received in evidence.

Petitioner's exhibit 2 is received in evidence.

Petitioner's exhibit 24 is marked for identification and is received in evidence.

Respondent's exhibit 11 is received in evidence.

Respondent's exhibit 10 is received in evidence.

Respondent's exhibit 9 is received in evidence.

Respondent's exhibit 12 is received in evidence.

Jessica Stewart is sworn and testifies.

The witness is excused.

Petitioner rests.

On the Court's own motion, the Court's exhibits 1 and 4 through 7, same as Petitioner's exhibits 1 and 4 through 7 for identification, and the Court's exhibits 13 through 23, same as Respondent's exhibits 13 through 23 for identification, are received in evidence.

Based upon the information presented, the Court states his findings on the record and rules as follows.

On the Court's own motion,

**IT IS ORDERED** granting a Rule 82 (C) motion in favor of Mother.

**IT IS FURTHER ORDERED** affirming the current orders of the Court.

**IT IS FURTHER ORDERED** that Father and Mother shall undergo random drug testing on the following basis:

- A. Agency. Father's and Mother's random drug testing shall be conducted at a location of TASC Inc., the main office of which is at 2234 N. Seventh Street, Phoenix,

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Arizona, (602) 254-7328. Other locations are listed on the TASC referral form and may be viewed at [www.tascaz.org](http://www.tascaz.org).

- B. First Test. Father and Mother shall report to TASC no later than 5:00 p.m. today for his or her first test.
- C. Scope. Father and Mother shall undergo a full spectrum substance and drug test (Screen A) for each test ordered herein.
- D. Cooperation. Father and Mother shall cooperate fully as reasonably required by the testing agency to comply with this order, including:
1. Father and Mother shall provide such samples as are reasonably required by the testing agency to comply with this order.
  2. Father and Mother shall timely report for testing and shall provide samples as directed by the testing agency.
  3. Father and Mother shall present photo identification to the testing agency at the time of each test.
  4. Father and Mother shall sign and deliver such forms of consent, authorization, and release of test results as shall be reasonably required by the testing agency to comply with this order.
- E. Cost. Father and Mother shall pay the cost of his or her testing (\$25.00 per test) in money order or cashier's check at the time of testing.
- F. Frequency and Duration. Father and Mother shall be tested today for the first test and then randomly tested once more prior to 5:00 p.m. on April 20, 2012.
- G. Positive/Diluted/Missed Test. All parties are advised that the failure, neglect, or refusal to participate in testing or providing a diluted test sample at the time of testing may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child. Certain prescription medications may cause a positive drug test result. Parties who are required to drug test are expected to provide proof to the Court of prescriptions and documentation from healthcare providers regarding the lawful possession and use of those medications.

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H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a monthly drug test summary report.

ISSUED: Court-Ordered Substance Abuse Testing Form (2)

The parties are advised that if a party's two test results are negative, no additional testing will be required. If a party tests positive for today's test and/or the next random test, the Court will consider a request for additional testing.

Discussion is held.

**IT IS ORDERED** appointing a court advisor to investigate the case and make recommendations to the Court. The appointment shall be fully set forth by separate minute entry.

The Court having found both parties indigent,

**IT IS ORDERED** the court advisor's fees shall be paid through the Office of Public Defense services.

The court advisor is directed to discuss with each parent the exhibits that were admitted at this hearing and the significance of the exhibits that are not favorable to the parents. The court advisor shall suggest to the parents what may be done to reduce the level of tension and anxiety that currently exists that complicates and frustrates the parenting process.

**IT IS ORDERED** by no later than April 6, 2012, counsel for Mother shall submit her application for attorney's fees, and Father shall file his response/objection thereto by no later than April 20, 2012.

**IT IS FURTHER ORDERED** setting a telephonic Review Hearing on **May 21, 2012, at 9:00 a.m. Arizona time (time allotted: 30 minutes)** before Honorable Timothy J. Ryan, Courtroom 402, Southeast Facility, 222 East Javelina Avenue, Mesa, Arizona. The parties shall contact the division at (602) 372-3081 five minutes prior to the scheduled hearing. **NOTE:** Please participate in the telephonic conference by using a landline phone, if possible.

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Counsel for Father having filed a *Limited Notice of Appearance*,

**IT IS ORDERED** granting J. Vincent Gonzalez' request to withdraw and permitting J. Vincent Gonzales to withdraw as counsel of record for Father in this matter.

**IT IS FURTHER ORDERED** signing this minute entry as a formal order of this Court pursuant to Rule 81 (D), Arizona Rules of Family Law Procedure.

DATED this 23<sup>rd</sup> day of March 2012.

/S/ HONORABLE TIMOTHY J. RYAN

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HONORABLE TIMOTHY J. RYAN  
JUDICIAL OFFICER OF THE SUPERIOR COURT

10:12 a.m. Hearing concludes.

FILED: Exhibit Worksheet

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.